City of Lafayette Staff Report

For:	City Council
By:	Niroop K. Srivatsa
Date Written:	February 2, 2009
Meeting Date:	February 9, 2009
Subject:	**Palos Colorados Precise Development Plan: Project's compliance with the settlement agreement conditions relating to visual impacts**

The City Council last considered this matter in November 2008 and concurred with staff that the following conditions should be imposed on the project to ensure its compliance with the visibility conditions in the Settlement Agreement:

1. The landscape mitigation plan and its exhibits shall be incorporated into the Precise Development Plan.

2. All trees shown on the landscape mitigation plan shall be planted in conjunction with the subdivision improvements and before the issuance of the first building permit for the project.

3. Landscape maintenance agreements shall be recorded for the lots and common areas that contain the trees shown in the landscape mitigation plan.

4. The settlement agreement conditions relating to visibility, pad elevations and heights shall be recorded against the lots cited in the settlement agreement. No improvements that would be visible from the BART platform shall be allowed on these lots.

Some of these conditions were incorporated into the conditions of approval for the Precise Development Plan. After reviewing the draft conditions of approval, staff forwarded the attached letter to Moraga for consideration at its February 2ns meeting.

Recommendation

Receive and file.

Attachments

Letter to Moraga dated February 2, 2009

LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

CITY COUNCIL

Don Tatzin, Mayor
Brandt Andersson, Vice Mayor
Mike Anderson, Council Member
Carl Anduri, Council Member
Carol Federighi, Council Member

February 2, 2009

Lori Salamack, Planning Director
Town of Moraga Planning Department
329 Rheem Boulevard, Suite 2
Moraga, CA 94556

Re: Palos Colorados Precise Development Plan

Dear Lori:

Thank you for providing me with a copy of the staff report for Palos Colorados and discussing it with me last Friday. As you are aware, in November 2008 the City of Lafayette suggested four conditions of approval for the Precise Development Plan for Palos Colorados. They are:

1. The landscape mitigation plan shall be incorporated into the Precise Development Plan.

   You indicated that the landscape mitigation plan is already part of the Precise Development Plan. Therefore, this condition has been satisfied.

2. All trees shown on the landscape mitigation plan shall be planted in conjunction with the subdivision improvements and before the issuance of the first building permit for the project.

   Lafayette had requested this condition because we wanted to ensure that the screening landscaping would mature and be in place before the construction of the houses. You explained that you would review this request with the Town Engineer.

3. Landscape maintenance agreements shall be recorded for the lots and common areas that contain the trees shown in the landscape mitigation plan.

   For Lot 106, you indicated that the following condition has been drafted:

   J.PDP.1 Prior to issuance of a building permit for Lot 106, the applicant shall demonstrate that the proposed construction is not visible from the Lafayette BART station. A photosimulation of the proposed construction and the essential screening landscaping shall be submitted to the Town of Moraga and City of Lafayette for review and comment. The photosimulations shall represent actual landscaping conditions and proposed construction. A landscape maintenance agreement and/or deed restriction may be required as a condition of issuance of the building permit.

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We support this condition with the following changes. Since the landscaping to screen the house on lot 106 is not only located on Lot 106 but on other parcels in Palos Colorados as well, we request that the landscape maintenance agreement and or deed/restriction requirement be imposed on all parcels that will contain the screening vegetation. We also request that the house on Lot 106 be story poled to more accurately gauge its visibility from the BART station.

4. The settlement agreement conditions relating to visibility, pad elevations and heights shall be recorded against the lots cited in the settlement agreement.

   You explained that Condition B.VTM.31 already requires that deed restrictions be recorded against Lots 22 through 27, E, F, G and 29 in favor of the City of Lafayette limiting the houses to the height limits stipulated in the Settlement Agreement. Therefore, this condition has been satisfied.

On behalf of the City of Lafayette, I would like to thank you, Debi Chung of Richfield and her team for working cooperatively with us on the evaluation of the proposed homes in Palos Colorados. Thank you again for giving us the opportunity to review this application and I would appreciate your attention to our comments.

Sincerely,

Niroop K. Srivatsa
Planning and Building Services Manager

Cc: Lafayette City Council